WP(C) 4886/2002
BEFORE
HON'BLE THE CHIEF JUSTICE MR. MADAN B. LOKUR

The challenge in this writ petition is to an order dated 18.7.2002 passed by the Additional Deputy Commissioner, Kamrup, which has been countersigned by the Deputy Commissioner, Kamrup, on 4.8.2002.
The order reads as follows:-

Translated copy of the order dated 4.8.2002
passed in L.A. Case No.AC.23/64

Note on the pre-page may be seen. Matter has been re-examined as per your direction in the petition at Page No.560. It appears that Notification U/S 4(1) of the Land Acquisition Act for the said land was published in the Assam Gazette on 14.11.90 the mentioned land was sold and purchased prior to the same that is in the year 1978. The father of the petitioner had signed in the Sale Deed as witness. Therefore, forwarded and put up for rejection of the petition and for countersignature of the R.V. in favour of Md. Abdul Hai for Rs.28,400/-.
F.F.O.

Countersigned
Sd/- Illegible
4-8-2002
Deputy Commissioner,
Kamrup

Sd/- Illegible
18-7-2002
Addl. Deputy Commissioner,
Kamrup

The claim of the petitioner is that he was a tenant in the acquired land and therefore, the receipt voucher for Rs.28,400/- should be given to him and not to Md. Abdul Hai.
Learned counsel for the petitioner has drawn my attention to a document called Draft Challan of Village Agdola under Mouza Borbongsor of the year 1957-64 to show that the petitioner's father was a tenant in the acquired land and in possession thereof.
The document on which learned counsel for the petitioner relies indicates that there are as many as 9 pattadars and while Prabhat Deka said to be the father of the petitioner is a riyat, the person in possession of the land is Tilak Chandra Kalita. That apart, the draft challan is only of the year 1957-64 and it is not clear whether the petitioner's father continued in possession of the land at the time of its acquisition even if it is assumed the possession was with him.
The writ petition raises disputed questions of fact whether the petitioner or his father was in possession of the acquired land at the relevant time.
It is not possible to go into such a disputed question of fact in the writ petition. Accordingly, the same is dismissed.
However, liberty is granted to the petitioner to raise such an issue by way of filing a Civil Suit, if so advised.